

United States District Court
Northern District of Illinois
Eastern Division

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JAN 8 2015

MB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Cecil Shaw

Plaintiff

VS

Case No. _____

Thomas Dart, John Murphy
Sup. Brantly, Sup. Greer
Cmdr. Cozolino, Cmdr. Harris
LT. Delitz, LT Rosario
LT. Tuggee, Sgt. Williams
Sgt. Nanos, Dr. Yu
Director. Menella, Off. White
Off. McKenzie, Off. Butler
Off. Ansel, John Doe #1
John Doe #2, John Doe #3
John Doe #4, Sgt Santos

Defendants

15CV199

JUDGE KENDALL

MAGISTRATE JUDGE ROWLAND

PC6

FILED

1/21/2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

~~Amended~~ Complaint

X Complaint Under The Civil Rights Act, Title 42 Section 1983

X Other Count 1: RLUIPA 42 USC 2000cc

Count 2: Civil Rights Act 42 USC 1983

Count 3: Tort Assault and Battery

Count 4: Tort Intentional Infliction of Emotional Distress

I. Plaintiff(s):

- A. Name: Cecil Shaw
- B. List all aliases: N/A
- C. Prisoner identification number: 20130926112
- D. Place of present confinement: Cook County Jail
- E. Address: 2700 S California Chicago IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Thomas J. Dart
Title: Sheriff of Cook County
Place of Employment: Cook County Sheriffs Office
- B. Defendant: John Murphy
Title: Acting Executive Director
Place of Employment: Cook County Sheriffs Office
- C. Defendant: Defendant Brantly
Title: Superintendent Div II
Place of Employment: Cook County Sheriffs Office

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Superintendent Greer

Title: Superintendent Div #1

Place of employment: Cook County ~~Sherriff's Office~~ ^{Sherriff's Office}

E Defendant: Commander Cozzolino

Title: Commander Div #1

P.of Employment: Cook County Sherriff's Office

F. Defendant Commander Harris

Title: Commander Div #1

Place of employment: Cook County Sherriff's Office

G. Defendant: LT Delitz

Title: Lieutenant Div II

P.of Employment: Cook County Sherriff's Office

H. Defendant: LT Rosorio

Title: Lieutenant Div-II

P.of Employment: Cook County Sherriff's Office

I. Defendant: LT Tuggee

Title: Lieutenant Div-II

P.of Employment: Cook County Sherriff's Office

J. Defendant: Sgt Williams

Title: ~~Lieutenant~~ ^{Sgt} Div-II

P.of Employment: Cook County Sherriff's Office

K. Defendant: Director Menella

Title: Medical Director

Place of Employment: Cermak Health Services

L. Officer White - Defendant

Title: Correctional Officer Div II

Place of Employment: Cook County Sheriff's Office

M. Officer McKenzie - Defendant

Title: Correctional officer Div II

Place of Employment: Cook County Sheriff's Office

N. Officer Butler - Defendant

Title: Correctional officer, Div II

Place of Employment: Cook County Sheriff's Office

O. Officer Ansel - - defendant

Title: Correctional officer Div II

Place of Employment: Cook County Sheriff's Office

P. John Doe #1 - defendant

Title: Correctional officer Div II

Place of Employment: Cook County Sheriff's Office

Q. John Doe #2 - defendant

Title: Hearing Board Officer

Place of Employment: Cook County Sheriff's Office

R. John Doe #3 - defendant

Title: Doctor

Place of Employment: Cermak Health Services

S. Defendant John Doe #4

Title: Superintendent - Div 6

Place of Employment: Cook County Sheriff's Office

T. Defendant Sgt. Santos

Title: Sgt Div - II

Place of Employment: Cook County Sheriff's Office

U. Defendant Sgt. Nanos

Title: ~~Det~~ Sgt.

Place of Employment: ~~Cermak Health Services~~ Cook County Sheriff's Office

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 42 USC 1983 06cv5906
- B. Approximate date of filing lawsuit: Oct 31 2006
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: ~~Wayne Germaine~~
~~Brian Fairchild, Terry Kolberg, Anne Vanzandt~~
Cecil Shaw
- D. List all defendants: Wayne Germaine, Brian Fairchild, Anne
Vanzandt, Terry Kolberg
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): US District Court Northern District
- F. Name of judge to whom case was assigned: ~~Robert~~
Honorable Judge Marovich
- G. Basic claim made: severed over my term required due to
negligence
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Was dismissed for failure to reply to
Summary Judgment due to a missing issue
- I. Approximate date of disposition: UK at this time

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

Statement of ClaimIntroduction

This case arises out of violations of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. 2000 cc, and the Civil Rights Act 42 U.S.C. 1983. in which the Plaintiff is being denied reasonable sanitary bedding, Towles, clothing and a Sanitary Mattress. Denied access to religious services, religious head garments, Prayer rugs, religious diets.

Plaintiff was subjected to the tort claims of Intentional Infliction of Emotional Distress (IIED) and Assault and Battery. Shelter in which theres mold, ~~serious~~ physical deterioration, inadequate ventilation, leaks, Insufficient lighting, defective plumbing infestation by vermins and bug's. Failure to carry out medical order, and denial of medical care, and on inappropriate use of force. For Damage and Injunctive Relief

1. Plaintiff Cecil Shaw, a pretrial detainee at Cook Co. Jail is a Muslim of the Islamic Faith.

2. Tom Darty, John Murphy, Superintendent Brantly, Superintendent John Doe #3, Superintendent Green, Commander Cozzolino, Commander, Harris, LT. Delitz, LT. Rosorio, LT Tuggee, SGT Williams, SGT Nanos, Hearing Board Officer John Doe #4, Doctor John Doe #2, Doctor Yu, Director Menella, Officer Butler, John Doe #1 and Officer Ansel. All sued in there official and individual Capacity - Defendants

Vermin Infestation

3. Plaintiff Processed into Cook Co. Jail 9-26-13. Plaintiff was being seen in Division 1 dispensary as to a seperate matter sometime in Oct. 2013.
- 4 Plaintiff told the nurse he needed treatment for rashes and that the rashes itch badly. To no avail no treatment was provided
- 5 Plaintiff was also being seen by the the Doctor the same day as to a seperate matter and requested treatment for the rashes and itching. The Doctor told the Plaintiff nothing was wrong and "the itching is in your head".
6. On Oct. 30, 2013 a week or so later I found over 30 bed bugs on my clothes, bedding, mattress and his person.
7. On Oct. 31, 2013 Officer Perkins sent me to Cermak medical in emergency. The plaintiff was then treated for injury of the bed bug infestation.

8. Plaintiff was ordered to rid of all his bedding, Commissary

Purchased clothing and his mattress.

9. Plaintiff attempted to file a grievance as to the infestation and injury sustained. To no avail his grievance was not Processed.

9. Defendant Tom Dart is the sherriff for Cook Co. and is ultimately responsible for the conditions of Cook Co. Jail - reasonable sanitary bedding, towels, Clothing and sanitary mattress.

Deprivation of Religious Services Division II

10. About 2 months after being processed into Cook Co. Jail Plaintiff was moved to Division II. Immediately plaintiff began to send request to attend muslim Religious Service, and requested to be notified of the times muslim religious Service was held and never recieved a response, and was deprived of attending religious services Specifically, muslim Service.

11. The officers, when asked by the plaintiff to attend they would state "We'll call you when were told to call you." or "muslim Service is not a big thing around here".

12. The muslim Chaplain "Imam" comes to division II twice per week as much as the chaplains of other religions.

13. But yet plaintiff was not allowed to attend for months on end. Despite Plaintiffs repeated request.
14. On 12-4-13 the officer working tier CD in Division 11 ~~had~~ had heard Muslim Religious Service (MRS) and asked did any of us want to attend.
12. About 7 muslim detainees tried to attend, but to no avail defendant Sgt. Nanos came onto the tier looking for the officer. Nanos then told the officer "These guys are terrorist, trying to go to learn how to Plot terror. You guys arnt going"
13. Plaintiff was offended as to Sgt. Nanos remarks. Plaintiff Spotted defendant LT. Tuggee and explained what Sgt. Nanos Conduct. Defendant LT. Tuggee stated to Plaintiff and those trying to attend "So what if he called you Terrorist, I'm sure you have been called worse, It's not as if he's lying." "He said you cant go, you cant go." The malicious discrimination did not cease from these 2 officials.
14. Defendants Superintendent Brantly & LT Delitz were notified through grievances filed but to no avail. No remedy was implemented.
15. On 12-8-2013 this detainee was in the day room on tier CD in Division 11 the Defendant Lt. Rosario gave a direct order for all detainees to "get off the phones, Cut the T.V off get out the showers and sit down."
16. The Salvation Army entered onto the deck and announced they were about to Perform a Chistian Festivity and

Service. Trumpets and music began. Detainees who are muslim requested to not be involved for religious reasons were denied and forced to participate.

17. Plaintiff was forced to intake a live band music Performance followed by a bible lesson and prayer. All detainees on tier were forced to sit, listen and Participate as an audience member to a Christian service.
18. Defendants Sgt. Williams and Nanos both on several Occasions would purposely rattle the service in ways. When we were able to attend rarely. Both SGT's would Call the service late leaving the Muslim Chaplain "Imam" Kalid Bilal waiting for over an hr. Thus Shortning the services.
19. Deliberately only allowing a few detainees to attend MRS thus leaving seats empty over 90%, unlike other services. Interrupting MRS with there walky talkies blaring in the middle of prayer 10 min prior to the end of MRS purposely shortning the service even more. Making it difficult to practice plaintiff's religion.
20. The adherents of other faiths are treated better than muslims. They are called down multiple times.

~~Plaintiff~~ a week and have services for an average of 1 and an half - 2 hours. Muslims are treated as security risk/threats. The Superintendent in Charge of Division II, Superintendent Brantly directs the Shift Commanders to only call just a few wings out of 32 total wings here at division II. Defendant Brantly is deliberately blockading the practice of the Islamic faith.

21. Plaintiff asked Brantly "why does the Christians have their own tier and can get good time through (IBM) Inmate Behavior Modification for practicing the Christian Faith, when Muslim do not get equal or no other faith's" Brantly stated "Send me a Kite" meaning a request which I did, but did not receive an answer.
22. The Defendants who are responsible for deprivation of attendance to religious services in division II are: 1) Thomas Dart because he oversees daily operations, gets reports and a census on attendance of religious services and other special services at the facility. He gets memorandas and emails from the exec. director about the issues at the facility regarding muslim services. He has a personal involvement in the furtherance of these violations. Tom Dart creates and enforces policies on religious services.

2:) Executive Director John Murphy Knew about plaintiffs issues because its a facility wide problem not just in Division II and I and additionally because he receives reports directly related to program/service counts. The "characteristics of the position" includes: "ensures that there is a continuing supervision of the management of all jail activities". This includes religious services. John Murphy oversees the daily operations at the facility. 3:) Superintendent Brantly is the Superintendent of Div. II. Per superintendent job code (CCSO: 1351) he, "Plans, directs and Supervises all operations at one of Cook Counties Correctional institutions based on the policies and and general ~~philosophies~~ philosophies of the executive director." He had personal involvement in the violations because he has a hand in the furtherance of the violation, Supervising and directing the division to limit calling MRS, and ~~not~~ providing proper remedies after numerous Complaints. Per CCSO General Orders 14.20 Part D, "Records shall be maintained in the ordinary course of business which will indicate which living units were provided with the opportunity to attend services and how many detainees choose to attend

or declined to attend. If religious services were not held, the records should reflect the reason for lack of service."

The reasons are because they consider muslims as a security risk/threat or "Stg" (Security threat group). Dart, Murphy, and ~~Brantly~~ Brantly all get reports of these "records" stated in this CCSO general orders. It is clear they are personally involved in the deprivation of M.R.S. Per CCSO G.O. 14.20

(Inmates Rights and Welfare) "All detainees not otherwise subject to disciplinary measures resulting from rule violations shall be given equal access to attend religious services subject to space ~~limitation~~ limitation and operational and security concerns." Clearly Muslims being called on average once every 3 months compared to Christians 2-3 times a week is not equal. Christians having there own tier were they can recieve more credit upon Sentencing (IBM) and access to all IBM Programs is not equal.

The defendants were mentally aware of their actions as to this rule which applies to all the defendants "This general order is applicable to all employees of the Dept of Corrections" Which includes all of the defendants respectively.

Deprivation of Religious Service
and a misuse of force

23. On January 26, 2014 at about 10:00 am MRS was announced over the loud speaker in Div II. Plaintiff signaled defendant John Doe #1 who was asleep face down on his desk, for him to allow plaintiff and others to attend. To no avail due to his sleeping he appeared irritated and attempted to ignore the plaintiff.
24. Plaintiff then pushed the controle button and requested the controle officer to "call me a "White Shirt," (supervisor, SGT or LT) The controle officer stated "Im going to pop the door, ask the officer in the hall ~~to~~ to speak to a white shirt if the officer is not going to take you guys to the chapel."
25. The door unlocked, as advised by the controle officer Plaintiff stepped into the hallway of C-Pod, and requested to the officer defendant John Doe #1 for Permission to attend MRS. Defendant John Doe #1 stated "I dont feel like taking no one down stairs," Plaintiff then as advised by the controle officer requested to to speak to a white shirt, to no avail defendant John Doe #1 "stated "No"
26. Defendant White came from West side of C-Pod's hallway and stared at Plaintiff. Plaintiff explained to defendant white that ~~plaintiff~~ plaintiff and others on tier CD want to attend MRS and we have only been 1x in 3 months.

27. Defendant White bluntly stated "Yo Ass aint going no were"

Plaintiff then requested again to speak to a white shirt. Defendant White stated "they dont run shit up here, Your in my house" Plaintiff stated "I had words with ^{you} yesterday and I saw what you did to Franklin. Your not about to be putting your hands on me either" Defendant white then stated "Ive dropped guys bigger than you" then began approaching the plaintiff in a Intimidative manner.

28. Plaintiff became in in fear for his life and safety. Defendant white without warning maliciously and sadistically pushed the Plaintiff. Plaintiff attempted to insulate himself from the push but to no avail. Defendant White then placed the Plaintiff in a bear hug. Plaintiff put his hands up in the air and told the defendant White to "stop". Plaintiff after whites refusal to release the Plaintiff and continued assault and battering, Used his elbows to pry defendants whites arms from around him while in fear for his life and safety.

29. Defendant White then became more aggressive and upset and struck the Plaintiff knocking him off ballance. Plaintiff stumbled into the corner. Defendant John Doe #1 began to rush plaintiff as well grabbing the plaintiffs leg. Plaintiff then fell to the ground. Where he believes he was punched, Knead, Kicked, and Struck repeatedly. ~~Defendant believes~~ Plaintiff believes defendant Mckenzie struck Plaintiff in the head by throwing hand cuffs towards plaintiff.

30 Defendant Butler was on the stairs above and did not intervene to prevent these assaults against the plaintiff.

31 A 10-10 was called by defendant McKenzie. Defendant Cozzolino and about 6-10 other officers rushed through the door onto C-pod.

32. For no reason warranted while plaintiff was on the ground in handcuffs defendant officer Ansel fell on the plaintiff's back; knees first assaulting the plaintiff.

33. Defendant White then placed his knee on the plaintiff's neck. Plaintiff told both officers "I can't breathe". Defendant White then took his knee and placed it on the plaintiff's face and told the plaintiff "Shut your face". Placing between his knee and the floor ~~between~~ plaintiff's face, then applying an immense pressure to cause pain bruising and swelling.

34 Defendant Cozzolino ordered the officers to "Let him up". Both defendants White and Ansel continued to pounce on the plaintiff's back and face with their knees. Defendant Cozzolino said again "let him up". Defendant White got up. Plaintiff again told defendant Ansel "Get off me, I can't breathe". Defendant Ansel then punched plaintiff in the back of the head while in handcuffs and refused the order to get off plaintiff.

35 Defendant Cozzolino again repeated to Ansel "Let him up" Ansel finally got off plaintiff.

36. This inappropriate and excessive unwarranted force was deliberately to cause harm to the Plaintiff and deny the plaintiff his constitutional right to practice his religion.
37. The plaintiff presented no threat to anyone's safety or security of the facility. Defendant Cozzolino witnessed the misuse of force and still failed to reprimand the officials responsible.

Denial of Emergency Medical Care

38. After the above described assault the Plaintiff was taken to a holding cell. And was being denied medical treatment by Sgt. Santos the defendant.
39. Officer Mireles took plaintiff to the dispensary and told the nurse "Sgt said just eye ball this guy before he goes to seg"
40. Plaintiff was taken directly back to the bullpen-holding cell. Plaintiff sat close to 30 min while in pain. Plaintiff saw Nurse Santos and hollered through the door for help. Stating "The officers are denying medical attention" Nurse Santos then ordered officers to bring plaintiff to the dispensary.
41. Plaintiff was treated by nurse Santos for numerous bruises ~~and~~ to his face, head, neck, back, arms, legs and torso. Nurse Santos stated she provided a written order for plaintiff to be taken to Strogers Medical Center.
41. Plaintiff was ^{taken} by officers to Cermak Hospital, despite the order. Plaintiff was examined and x-rayed. Despite Plaintiff's ~~17~~

injuries which he still suffers from the care provided was ineffective. Plaintiff was ~~some~~ ^{given} painkillers and told to "drop a request if the painkillers did not do the trick."

Denial of Due Process

42 Plaintiff was taken from Cermak to punitive Segregation. Plaintiff was not served with disciplinary charges, having no chance to prepare a response. About 9 days later Plaintiff was given an incomplete disciplinary hearing by defendant John Doe #2 where Plaintiff was asked a series of questions as to what occurred, after Plaintiff was read a series of charges which he plead not guilty to. Plaintiff was not given a chance to request witness or video footage in his defence.

43 Plaintiff's hearing was cut short. A fight between ~~the~~ cellmates took place on Div 6-1Q which was declared an emergency. Plaintiff's hearing was being held ^{on} ~~at~~ tier at the same time ~~and Plaintiff was~~ and Plaintiff was escorted by an officer back to his cell. Plaintiff was told he would be brought back out to finish his hearing by the officer but never was.

44. The next day plaintiff received his results from the inadequate hearing, and was found guilty on 109 and 304, but was found not guilty on the 500 charge. The defendant John Doe #2 stated on the results that Plaintiff's story was more plausible and credible as to the 500 resisting charge.

45 The claim read to the Plaintiff in the hearing by defendant John Doe #2 alleged plaintiff was loud, disrespecting staff, and resisted the arrest of the defendant White.

46. The report did not state any facts showing the 304 charge of being in possession of an Inmates stolen property. still Plaintiff was found guilty as charged by defendant John Doe based on staff statements alone - no witnesses or evidence despite Plaintiff being ~~assaulted~~ by 4 different officers. And did nothing the report claims - assaulted
- 47 Pursuant to the CCDOC jail procedure the Plaintiff filed an administrative appeal with defendant Brantly pointing out that no witnesses were called, the video was not reviewed.
- 48 defendant Brantly denied the plaintiffs appeal. Plaintiff spent 12 days in segregation though he only recieved 11 days.
- 49 Plaintiff also filed a grievance as to the assault by the defendants Plaintiff gave his grievance to defendant CRW Worker Hollins who refused to process his grievance and registered complaint with the office of professional Review (OPR). CCSO Directives state regarding grievance procedures that administrative officials respond to Grievances within 14 days. To no avail I recieved no reply.

Denial of Medical Care and insufficient living conditions

DIV 6

- 50 Plaintiff never recieved adequate medical care while in Cermak Emergency after the assault. While in punitive segregation plaintiff submitted several request and grievances as to the injuries sustained during the assault. Plaintiffs pain was intence the painkillers prescribed to the plaintiff did not suffice.

51. Almost 2 weeks of submitting medical request Plaintiff was called to sick call - Division 6 medical dispensary. Plaintiff was called into a room by Doctor YU - the defendant. Upon walking into the room defendant YU stated "you can walk theres nothing wrong with your back", get out my office" to no avail not even an examination.
52. Plaintiff attempted to file grievances and submitted several request. A Sgt in Division 6 sent Plaintiff to sick call for his injuries. Plaintiff was seen this time by Defendant John Doe #3. After telling the defendant John Doe #3 his problem he was provided a pack of tylenol and told "your ok" - No examination.
53. Both Doctors defendants YU and John Doe #3 ignored Plaintiff's emergency. Plaintiff days later was sent to Cermik by Sgt Mathis because he could not walk due to the excruciating pain from Plaintiff's injuries. Plaintiff was seen by Doctor Williams at 1am. Given a shot and provided better medication.
54. Plaintiff's ~~primary~~ Primary care doctor in Division 11 told Plaintiff "Your back injuries are for the rest of your life. I'm sending you to physical therapy. If physical therapy here does not get the job done, I'm sending you to out side physical therapy."
55. To no avail regardless to the ineffective treatment and the pain plaintiff is currently in no doctor nor defendant Manella - The medical Director will provide the assurance that the medication and regimen is appropriate and effective for plaintiff's condition.

- 56 After 11 months Plaintiff has not recieved a response from the medical department as to what is wrong with his lower back. Medical just slings Pain killers at Plaintiff that are ineffective along with stretches.
57. The Plaintiff is in Great pain and his back does not work properly on iformation and belief if the Plaintiff is not properly provided with outside physical therapy and care as Directed by Divll Primary Care doctor Plaintiff risk permanent disability.
- 58 Upon Plaintiff getting out of Segregation sometime in Feb. Plaintiff was placed on tier 1-D in Div-b-cell#4. The cell was cold as if Plaintiff was out side. Frost on the window, the window leaked water from the outside. mold on the walls and floor. No venelation in the Cell, toilet did not flush properly. Plaintiff could not read-the lighting was insufficient, paint was peeling of the walls. Despite Plaintiffs injuries he was forced to have to jump up and down off the top bunk. The tile was broken upon the floor as well.
- 59 Plaintiff was forced by the officer to remain in that cell ~~for~~ for 4 entire days in freezing temperatures, the showers were cold on tier and cock roaches, drainflies and mice infested. After being on the tier for a week the tier was condemned & plaintiff was moved to another tier. John Doe #4 the superintendent and Tom Dart are responsible

Retaliation and Denial to Refuse to Practice the Chriistian Faith

60. While in Division 6 after Plaintiff release from seg

Plaintiff was being denied to purchase commissary after the misuse of force occurred. Plaintiff was sent back to division II and still was not able to purchase Commissary.

61. Plaintiff was told by the officer that "You're on the scared list" Plaintiff attempted to inform Sgt Edwards as to the problem. Sgt. Edwards referred the problem to the defendant Lt. Delitz.
62. The defendant Delitz after being frustrated at the plaintiff because of his repeated grievances retaliated against the Plaintiff by maliciously moving the Plaintiff off of tier CG to tier BD - the Christian tier. Everyone on the Christian tier is required to attend church every Sunday, Bible studies and Prayer circles daily. If any refuses any of the above he will be subject to disciplinary action. Plaintiff explained to defendant Delitz that he is a Muslim of the Islamic faith to no avail Plaintiff was still forced to practice the Christian faith to avoid disciplinary action.
63. Plaintiff would go to a corner to make his Salah - Muslim Prayer and would be ridiculed and degraded by the Chaplain as to his Islamic faith in attempt to humiliate the plaintiff by bad mouthing Islamic Culture Calling "the teachings of the Holy Quran are lies."

64. Sgt. Nanos removed the Plaintiff off the Christian tier Stating "I Know your cheating for Cook Co. good time" Plaintiff tried to explain to Sgt. Nanos he was moved down here Maliciously. Defendant Nanos stated "Im Placing you on the dirties tier in the building."
65. While on tier D5 Sgt. William instructed officers "tare his Cell up, mix his property, or what ever you want. This guys a problem" The plaintiff requested Sgt. Williams to not destroy his property Sgt. Williams stated "See Im not your average sgt, I know all about you being a constant problem to my co-workers and I know how to handle a problem child"
- 66 Upon plaintiff entering his cell he noticed several Commissary Items Stolen by the officers, his religious book The Quran Opened sitting under the toilet. Sgt Williams is responsible giving officers permission to steal and disrespect Plaintiff and his Religion out of retaliation.

Officer White's 2nd Misuse of Force

67. While walking into the tunnel 3-14-14 I was about to be unhandcuffed by officer- Defendat White. Words were exchanged and the defendant grabbed the Plaintiff by the neck and Stated "Your about to catch another case" Defendant

then Kneel the Plaintiff in the growing and punched the Plaintiff in the stomach. then stated "I'm going to take these cuffs off you and I dare you to do something about it," By the time I'm through with you, you will be someones bitch in statesville". Defendant limped to court, requested medical attention and was told go after court. When I requested after court Plaintiff was told to "wait until your back at your division. Plaintiff recieved medical attention for his injuries 3-15-14. ~~Despite being found not guilty~~

68. Plaintiff was charged with a criminal case almost 2 months later after 1-25-14 assault by defendant White, the case is also before the Circuit Court of Cook Co. Despite Plaintiff being found not guilty at the disciplinary hearing, he was criminally charged violating Due process.

69. Deprivation of Ramadan and Halal Diets
Plaintiff was denied accomidations as to the fast for the month of Ramadan. Muslims are required to abstain from and drink from Pre dawn till sunset. In order to ensure this religious requirement is fulfilled Plaintiff had to save his food trays till after sunset which would often spoil. Ramadan was in June 2014.

70. Guards under the direct order and ~~the~~ policies of Defendants Brantly, Murphy and Dart repeatedly "Shake Down" (search) Plaintiff cell to harass and take the food the Plaintiff saved and would throw it away. This would occur daily, leaving the plaintiff to have nothing to eat being his dinner tray would spoil.

71. Sgt Williams on several occasions during Ramadan would shake down Plaintiff's cell deliberately to confiscate food he knew Plaintiff was saving to break his fast at sunset.
72. Sgt Nanos also would take the food Plaintiff was saving. Both of these Sgt. knew their actions were wrongful, but to prevent the Plaintiff and others from practicing Islam - Plaintiff religion.
73. This occurring from the whole month of Ramadan not only caused physical ~~injuries~~ injuries but emotional distress and anxiety/depression. Plaintiff was tormented and humiliated because of his religious practice.
74. Defendant Thomas Dart, had no Ramadan accommodation policy that Plaintiff knew of. He is aware of what Ramadan is and is aware that detainees who practice Islam can only eat at prescribed times.
75. He also ordered the throwing away of the Plaintiff's food being he created the policy and enforces it through his orders. He is fully aware that all inmates in general are to be served 3 diet meals per day by law: C.L.S.D. G.O. 10.3 E "All inmates are provided three ~~meals~~ meals daily including 2 Hot Meals"
- F: "Food shall never be withheld as a form of punishment or offered as a reward." All defendants are required to follow these rules. Yet only 1 hot meal is given in CCDOC and the defendants constantly withheld food to punish Plaintiff for his religious practice.

76 Plaintiff was denied Ramadan diet trays but also his mandatory

~~76~~ 3 meals Per day.

77 Plaintiff suffered physical injuries, malnutrition and other medical issues due to defendants actions. Plaintiff blacked out while praying hitting his head on the ground in the cell. In addition to dizziness, nausea and fatigue. Which would not have occurred if plaintiff had energy.

78 The plaintiff filed grievance as to this situation prior to Ramadan but to no avail. No action by the defendants was taken to ensure the practice of Plaintiff religion.

79

Denial of Religious Prayer Rugs and Head Garments

The Plaintiff, per Thomas Darts orders (CCSO G.O 14.20 1.3) is not allowed prayer rugs or head garments because they are "contraband" and identify with security threat groups (STA). This Policy is unconstitutional and is current. Its Tom Darts policy and his Personal responsibility.

80 During Ramadan and through out Plaintiffs stay at CCDOC the Plaintiffs stay at CCDOC the plaintiff was forced to pray on the dirty floors. This is unsanitary and is current with no alternatives

81 Adherants of Muslim faith are more heavily restricted then adherents of others?

A. Christians are allowed to attend service multiple times per week. Though the muslim chaplain is here the same amount of time as Christian

Chaplain's.

- B. They are provided more religious materials and religious literature, and more in funding.
- C. They are provided leather bibles
- D. Their very on tier in DW-11
- E. The Christian Chaplain can donate reading glasses, Passes out large toothpaste ~~tooth~~ tubes containing aluminum
- F. Stocking Caps are sold on Commissary "ahead garment"
- G. Christians on their tier receive good time for going to church in addition to prayers and bible studies.
- F. Muslims are not allowed cloth prayer rugs, head garments in addition to not being able to attend service for months on end. Clearly the actions of the defendants. LT. Delitz, LT Rosario, LT Tuggee, Nanos, Superintendent Brantly and the turning of a blind eye on part of John Murphy and Tom Dart violates the plaintiff right free ~~exercise~~ exercise of religion. Sheets, towels Face rags, even stocking caps sold on commissary are provided. A prayer rug and a kufi are no more of a security threat than a towel or a stocking cap sold on commissary. Its clear the Cook County sherriffs unconstitutional policy violating Plaintiff's rights to exercise his religion as set forth in the 1st Amendment to the US Constitution and the Religious Land Use and Institutionalized Persons Act (RLUIPA) CCDOC G.O 14.20 "The above items shall be considered contraband due to their potential use as weapons or identification with any security threat groups as well as concealment of any contraband" "Kufies prayer rugs ect!.. This identifies

the unconstitutional Policy of which Tom Dart is responsible for in his official and individual capacity.

82. Cloth prayer rugs and Kufies (which are allowed in IDOC) can be used as weapons as stated in the unconstitutional policy and how as stated in part 81 the materials provided to the Christians not be used as weapons and contraband is not equal.

83 It is just as hard to hide contraband in a sheet or towel CCDOC provides

Denial of Halal Diets

~~REDACTED~~

84 The Plaintiff also are required by his religion to only eat Halal food which is meat from animals that are slaughtered in a humane and religious way. Very similar to Kosher diets. The Illinois Dept. of Corrections offers Jewish and muslim Diets. Cook Co. Jail does not.

85. Plaintiff grieved this problem and the case worker CRW Jewel tried attempted to coerce Plaintiff to accept a vegan/veggie diet. The form clearly states (questions) "do you understand that only religious diets offered at the CCDOC are vegetarian or Vegan based meal plans?" Plaintiff refused to sign and accept a vegan diet because he is muslim and is allowed to eat meat. Just only halal meats. It is clear that ~~REDACTED~~ Depriving muslims of halal diets and trying to declare a vegan diet is to suffice for financial reasons is inadequate. Since halal meat is a bit more expensive than the current diets. Their form even try's to coerce the inmates not to to even press the issue "Do you understand that you may only purchase and/or consume foods in compliance with your religious dietary laws from Commissary

if you are approved for the religious diet? This includes but not limited to all meat and meat by-products". They are referring to vegan laws. Muslims eat meat, just halal meats, and some meat like ~~beef~~ tuna on Commissary is hala commissary food (which is very limited) would be grossly expensive and a financial burden that the plaintiff would suffer from.

The ~~sheriff's~~ sheriff's policy states I will be denied / loose my "vegan diet" if I a muslim, purchase halal food on commissary. Forcing a muslim to either violate his religious laws or eat a veggie is not in any way complying with the plaintiffs' repeated compliance.

86 This run around is obviously a facade. A denial of halal diets in a fancy but still unconstitutional way. They attempt to make it appear to be constitutional on its face, but they still are obviously denying us religious diets. And this alleged "religious diet form" wasn't even provided until approx 15 months after plaintiffs repeated request.

Retaliation for Grievance/Denial of Religious Services Div 1

87. Plaintiff was in Division 11 holding, after being cuffed to enter another bullpen - Holding cell he was threatened and verbally assaulted by defendant white. Defendant white stated "I dropped you once, I'll drop you again and put another case

on you." After receiving the first threat Plaintiff refused to respond while in fear for his life. Other detainees spoke in defence of the plaintiff instructing defendant white to desist with his aggression and remarks - threats. White then stated to the defendant "I'm going to catch you off camera one of these days."

88 Plaintiff went to court, after returning from court plaintiff filed a grievance. Days later plaintiff was told to pack up. While on the way to the holding cell plaintiff was confronted by the defendant Lt. Delitz who stated "Shaw you are a pain in my ass but I have a place for you. And guess what? Where you going there is no religious service and its the nastiest part of the jail. Your done filing grievances in my division, goodbye!"

89 While in the bullpen officers stated you done pissed the wrong people off. "You cant beat them, complaining is not worth the trouble they can put you through!"

90 Plaintiff was transferred to division 1 tier ~~B4~~ a medium tier in a building of majority max offenders in the building. Immediately plaintiff put a request in for Muslim Service. To no avail he never received a reply.

91 Plaintiff's tier had no hot water, mold in the showers, leaks in the cell coming from the roof. Plaintiff was given frayed mattress ^{from} ~~the~~ a pile where clearly the administration does not ensure they are sprayed in between uses.

Problems are current. On 9-19-14 till 10-4-14 Plaintiff was subjected to not having no hot water in his cell or on the tier, no warm showers, only cold.

93 On 10/13/14 plaintiff was locked on tier B4 without working toilets and no hot water on the tier the entire tier reeked of feces. After this event the hot water was again ~~dis~~functioning. These conditions are inadequate and are current.

94 Plaintiff spoke to defendant Commander Cazzolino as to Muslim Service and he stated "There is no religious service for you guys because its too complicated."

95 Plaintiff asked the defendant Super-intendent Greer about Muslim Service and he stated "Im not concerned with that."

96 Plaintiff filed several grievances where defendant Harris responded stating, "Max tiers can not attend service with medium tiers due to classification and background."

97 Plaintiff a medium tier detainee filed his grievance over because it was processed as a request. The defendant Commander Harris replied indicating that this detainee went to church previously.

98 Plaintiff has not been to 1 muslim service in 5 months of being in Div 1. The Max tiers attend MSR frequently and the defendants refuse to implement a service which is fair to plaintiff and other muslim detainees who are in custody of Div 1.

99 The defendants who are responsible for deprivation of attendance to Muslim Religious service in Div 4 for the medium tiers are:

- 1) Thomas Dart because he oversees daily operations, gets reports and a census on attendance of religious service and other special services at the facility. He gets memorandas and emails from exec. director about the issues at the facility regarding muslim services. He has a personal involument in the furtherance of these violations. Tom Dart creates and enforces policies on religious services.
- 2) Executive Director John Murphy knows about these issues because its facility wide problems, not just divisions II and I and additionally because he receives reports directly related to program service counts. Including Religious services John Murphy oversees those operations.
- 3) Superintendent Green is the superintendent of Div 4 Per Superintendent Job code (CCSO:1351) he, "Plans, directs and supervises all operations at one of Cook Counties Correctional Institutions based on the policies and general philosophies of the Executive Director" He has personal involument in the violations because he has a hand in furtherance of the violations. Supervising and directing the division, to not allow medium tiers any Muslim Religious Service and not providing proper remedies after numerous complaints Per CCSO General orders 14.20 Part D, "Records shall be maintained in ordinary course of business which will indicate which living units were provided with opportunity to attend services and how many

detainees Choose to attend, or declined to attend. If religious services were not held, the record should reflect the reason for lack of service"

The reasons are because they consider Muslims a security risk/threat or "stg" (security threat group) It is clear they are personally involved in deprivation of MRS Per CISO G.O. 1420 (Inmates Rights and Welfare) "All detainees not otherwise subject to disciplinary measures resulting from rule violations shall be given equal access to attend religious services subject to space ~~and~~ limitations and operational security concerns" Clearly Muslims not being called once out of 4-5 months is not equal.

Defendants can not hide behind the guise of Max ties cannot join with medium because inmates do it daily. While going to court, medical, Barbershop, Law library, Cermak medical ect...

100 The defendants were mentally aware of their actions as to this rule which applies to all defendants "This general order is applicable to all employees of the Dept of Corrections" which includes all of the defendants respectively.

101. The plaintiff also suffers mentally ~~from~~ from the above ~~and~~ and below stated violations.

State Tort Law Claims for Assault and Battery

102. The Plaintiff also wishes to state a separate claim for assault and battery under Illinois tort law and request this Honorable Court to take supplemental jurisdiction over.

103. The defendants are responsible for the assault and battery in their official and individual capacities.

A. Defendant White, When plaintiff observed him swing his arm to strike the plaintiff and placed his knee on the plaintiff's neck and face while in handcuffs. His intentional harmful and offensive contact is an inappropriate use of force. As in his experience as a correctional officer he knew that the Plaintiff would be injured and put in harms way.

B. Defendant John Doe #1, When plaintiff observed him grab the plaintiff's leg and struck the plaintiff. Throwing plaintiff to the ground using unwarranted force. This harmful and offensive contact caused injury. As in his experience and training he knew Plaintiff would be injured and put in harms way.

C. Defendant ~~McKenzie~~ McKenzie, When plaintiff observed him ~~throw~~ throw handcuffs at the plaintiff. His intentional harmful and offensive contact is an inappropriate use of force. He knew that plaintiff would be injured and put in harms way.

D. Defendant Ansel, While Plaintiff was on the ground handcuffed Plaintiff observed defendant Ansel dive knees first into Plaintiff's back, and after defendant Commander Cozzolino ordered Ansel to "Let him up" Mr. Ansel then punched the defendant in the head while in handcuffs these harmful and offensive acts were done intentionally to cause injuries.

E Defendants Commander Cozzolino and Sgt Santos unnecessarily deprived Plaintiff of immediate medical attention. causing Plaintiff to endure pain which could have been ~~prevented~~ prevented. Defendants intended to cause physical harm by doing this.

F Defendant YU refusal to provide the Plaintiff with Medical treatment. In addition to defendant John Doe #3's refusal to provide Plaintiff with medical treatment. Despite Plaintiffs Significant injury and complaints of excruciating pain. Defendants both knew the plaintiff would be further injured and in harms way. Their acts were intentionally harmful and made plaintiffs pain worse.

G. Defendant LT. Delitz, maliciously moving the plaintiff from division 11 to Div 1 to a "sard tier" knowing the building suffers from unsanitary conditions and knowing the conditions of no hot water, vermon infestation, leaks and mold. Defendant Delitz knew substantial likelihood of injury was to occur.

#. Defendants Dart, Murphy, Brantly has been placed on notice of the abusive conduct of White by a number of complaints and grievances over many months. Plaintiff was even subjected to a second assault and several run ins with defendant White where he would taunt and intimidate the plaintiff. Over and over placing the plaintiff in fear for his life. Subjecting the plaintiff to being in distress from humiliation. But still has failed to take disciplinary action against White, Ansel, Doe #2 or otherwise to control there behavior.

Additional State Tort Law Claims for Thomas DartUnder State Respondeat Superior Doctrine

104 There is further responsibility on defendant Dart for the actions of occasioned deputies by his own personal neglect. It is clear his deputies are in a disfunction as to the Policies of the facility and turned the blind eye to that effect. The plaintiff additionally ask the court to take supplemental Jurisdiction over these state tort law claims.

§ Additional Claims as to Sgt Nanos, Sgt Williams and Lt. Tugge Personal Involvement

105. Sgt Nanos was the Sgt assigned to our part of the division during the times the Imam (Chaplain) was here; Sgt Williams was assigned as well. Their job was to call muslim service for "Cand O Pod" they purposely chose not to, for months on end while knowing the chaplain was here twice a week. They are directly personally responsible for depriving us of our religious services. With there experience, its impossible that they simply neglected to call it for months on end. Both are also personally responsible for throwing our food away. They ordered officers to throw the food away that Plaintiff saved during Ramadan. Lt. Tugge approved of these acts knowingly and when confronted by the plaintiff and others he turned the blind eye.

Violations Under the RLUIPA

106. The statements made herefore in this statement of claim not only violates 42 USC 1983 but also violates the Religious Land Use and Institutionalized Persons Act, the plaintiffs free exercise of their religion was substantially burdened. Also the violations had a substantial effect on interstate commerce, which establishes RLUIPA jurisdiction. The denial of religious halal diets to the Plaintiff and other similarly situated individuals had and still has a substantial effect on the market for halal food. Moreover, the jails were using out of state transfers of prisoners and had contractual business relationships with out of state/food/commissary vendors such as Keefe located in Missouri, as well as out of state food manufacturers and suppliers. Additionally Cook County jail receives federal funds for their programs and to supply us with these diets and needs. They have not given reasons as to the gross burdens on plaintiff religious exercise. Jail officials policies are not under the statutes. Providing Halal and Ramadan trays to a minority religious group will not be financially burdensome for the jail. They also receive a substantial amount of funding to provide these diets.

Tort, Intentional Infliction of Emotional Distress

Defendant officer White, Ansel, LT. Delitz, Sgt Nanos, Sgt Williams and LT. Tuggee all stated clearly to plaintiff they intend to cause the plaintiff some hardship in retaliation. The above defendants knew their actions would burden the plaintiff emotionally. Plaintiff's mental state has not been stable since the above stated violations

Relief Requested

Wherefore, Plaintiff request that the courts grant the following:

A. Issue an injunction ordering defendant Menella or his/her agents to

1. Immediately arrange for the plaintiff ~~XXXX~~ to undergo outside examination by a qualified physician.

2. Immediately arrange for the plaintiff's need for physical therapy or other follow-up medical treatment to be evaluated by a medical practitioner with expertise in the treatment and restoration of function of the lower back.

3. Carryout without delay the treatment directed by such medical practitioner

B1 The physical abuse of the Plaintiff by defendants White, Doe[#], Ansel violated the plaintiff's rights under the 14th Amendment to the USC. and constituted and assault and Battery under state law.

2. Defendant Butler's actions in failure to take action to curb the physical abuse of ~~XXXXXX~~ plaintiff violated the plaintiff: constitutes Assault & Battery

3. Defendant Murphy & Dant, and Brantly has been placed on notice of the above abusive conduct there failure to take action to curb the physical abuse of detainees also constitutes assault and battery.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- 1) Compensator Damages in the amount of 5 million dollar awarded to the Plaintiff
- 2) Punitive Damages in the amount of 15 million Dollars awarded to the plaintiff
- 3) Damages for Intentional Infliction of Emotional Distress in the Amount of 5 million Dollars for Plaintiff
- 4) Damages for Assault & Battery Awarded to Cecil Shaw in the Amount of 3 million Dollars
- 5) monetary / Compensatory damages for the amount of 5 million Dollars for violation of R14 ZPA
- 6) Grant such other relief as it may appear the plaintiff is entitled

VI. The plaintiff demands that the case be tried by a jury.



YES



NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 1 day of 1, 2015

Cecil Shaw
(Signature of plaintiff or plaintiffs)

Cecil Shaw
(Print name)

20130926112
(I.D. Number)

2700 S California
Chicago IL 60608
(Address)

United States District Court
For The Northern District of Illinois

Cecil Shaw

Plaintiff

v

Thomas Dant et al

Defendants

Case # _____

Certificate of Service

I hereby certify that on 1-4-14, I mailed
by United States Postal Service the following documents
with the Clerk of the US District Court.

Original + 3 Copies of
Complaint

Motion for Appointment of Counsel

Motion to proceed as a poor person

to

US District Court Clerk office of Inmate Issues

219 S. Dearborn

Chicago IL, 60604

Respectfully Submitted

Cecil Shaw # 26130426112

2700 S California

Chicago IL 60608